

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

B.G. Cox, Jr., M.D.

**Physician's and Surgeon's
Certificate No. G 6433**

Respondent

Case No. 800-2016-025794


DECISION

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 6, 2019.

IT IS SO ORDERED August 30, 2019.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 800-2016-025794

15 **B.G. COX, JR., M.D.**
29501 Springside Drive
Menifee, CA 92584

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

16 **Physician's and Surgeon's Certificate**
17 **No. G 6433**

18 Respondent.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
24 of California (Board). She brought this action solely in her official capacity and is represented in
25 this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn,
26 Deputy Attorney General.

27 2. B.G. Cox, Jr., M.D. (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 3. On or about October 25, 1960, the Board issued Physician's and Surgeon's Certificate
2 No. G 6433 to B.G. Cox, Jr., M.D. (Respondent). The Physician's and Surgeon's Certificate was
3 in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-
4 025794 and was suspended as of October 4, 2018, pursuant to Business and Professions Code
5 section 810.

6 **JURISDICTION**

7 4. Accusation No. 800-2016-025794 was filed before the Board, and is currently
8 pending against Respondent. The Accusation and all other statutorily required documents were
9 properly served on Respondent on July 9, 2019. On July 15, 2019, Respondent timely filed his
10 Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2016-025794 is
11 attached as Exhibit A and incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, and fully understands the charges and allegations in
14 Accusation No. 800-2016-025794. Respondent also has carefully read, and fully understands the
15 effects of this Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
20 the attendance of witnesses and the production of documents; the right to reconsideration and
21 court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 800-2016-025794, agrees that cause exists for discipline and hereby surrenders his
4 Physician's and Surgeon's Certificate No. G 6433 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
7 process.

8 **CONTINGENCY**

9 10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
10 part, that the Medical Board "shall delegate to its executive director the authority to adopt a . . .
11 stipulation for surrender of a license."

12 11. This Stipulated Surrender of License and Disciplinary Order shall be subject to
13 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
14 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director
15 for her consideration in the above-entitled matter and, further, that the Executive Director shall
16 have a reasonable period of time in which to consider and act on this Stipulated Surrender of
17 License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
18 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
19 prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon
20 it.

21 12. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall
22 be null and void and not binding upon the parties unless approved and adopted by the Executive
23 Director on behalf of the Board, except for this paragraph, which shall remain in full force and
24 effect. Respondent fully understands and agrees that in deciding whether or not to approve and
25 adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or
26 the Board may receive oral and written communications from its staff and/or the Attorney General's
27 Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the
28 Board, any member thereof, and/or any other person from future participation in this or any other

1 matter affecting or involving Respondent. In the event that the Executive Director on behalf of the
2 Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and
3 Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of
4 no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary
5 action by either party hereto. Respondent further agrees that should this Stipulated Surrender of
6 License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of
7 the Board, Respondent will assert no claim that the Executive Director, the Board, or any member
8 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated
9 Surrender of License and Disciplinary Order or of any matter or matters related hereto.

10 ADDITIONAL PROVISIONS

11 13. This Stipulated Surrender of License and Order is intended by the parties herein
12 to be an integrated writing representing the complete, final, and exclusive embodiment of the
13 agreements of the parties in the above-entitled matter.

14 14. The parties agree that copies of this Stipulated Surrender of License and Order,
15 including copies of the signatures of the parties, may be used in lieu of original documents and
16 signatures and, further, that such copies shall have the same force and effect as originals.

17 15. In consideration of the foregoing admissions and stipulations, the parties agree the
18 Board may, without further notice to or opportunity to be heard by Respondent, issue and enter
19 the following Disciplinary Order:

20 ORDER

21 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 6433, issued
22 to Respondent B.G. Cox, Jr., M.D., is surrendered and accepted by the Board.

23 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
24 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
25 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
26 of Respondent's license history with the Board.

27 2. Respondent shall lose all rights and privileges as a physician and surgeon in
28 California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-025794 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2016-025794 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and fully agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

July 22, 2019 Benjamin G. Cox
B.G. COX, JR., M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: July 22, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-025794

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Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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Deputy Attorney General
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 9 20 19
BY MS. V ANALYST

10 BEFORE THE
11 MEDICAL BOARD OF CALIFORNIA
12 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2016-025794

14 **B.G. Cox, Jr., M.D.**
15 **29501 Springside Drive**
16 **Menifee, CA 92584**

ACCUSATION

17 **Physician's and Surgeon's**
18 **Certificate No. G 6433,**

Respondent.

19
20 PARTIES

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On or about October 25, 1960, the Medical Board issued Physician's and Surgeon's
25 Certificate No. G 6433 to B.G. Cox, Jr., M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on November 30, 2019, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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1 5. Section 2234 of the Code, states, in pertinent part:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.

7 “...”

8 6. Section 2236 of the Code states, in pertinent part:

9 “(a) The conviction of any offense substantially related to the qualifications,
10 functions, or duties of a physician and surgeon constitutes unprofessional conduct
11 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record
12 of conviction shall be conclusive evidence only of the fact that the conviction
13 occurred.

14 “...

15 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
16 is deemed to be a conviction within the meaning of this section and Section 2236.1.
17 The record of conviction shall be conclusive evidence of the fact that the conviction
18 occurred.”

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1 7. California Code of Regulations, title 16, section 1360, states:

2 “For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
4 or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a person holding a license, certificate or permit under the Medical Practice
6 Act if to a substantial degree it evidences present or potential unfitness of a person
7 holding a license, certificate or permit to perform the functions authorized by the
8 license, certificate or permit in a manner consistent with the public health, safety or
9 welfare. Such crimes or acts shall include but not be limited to the following:
10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision of the Medical Practice Act.”

12 8. Section 810 of the Code provides:

13 “...

14 “(b) It shall constitute cause for revocation or suspension of a license or
15 certificate for a health care professional to engage in any conduct prohibited under
16 Section 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.”

17 “...

18 “(d) As used in this section, health care professional means any person licensed
19 or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative
20 Act, or the Chiropractic Initiative Act.”

21 9. Section 2273 of the Code provides:

22 “...

23 “(b) A licensee shall have his or her license revoked for a period of 10 years
24 upon a second conviction for violating any of the following provisions or upon being
25 convicted of more than one count of violating any of the following provisions in a
26 single case: Section 650 of this code, Section 750 or 1871.4 of the Insurance Code, or
27 section 549 or 550 of the Penal Code. After the expiration of this 10-year period, an
28 application for license reinstatement may be made pursuant to Section 2307.”

10. Unprofessional conduct under Business and Professions Code section 2234 is conduct which breaches the rules or ethical code of the medical profession, or conduct which is unbecoming a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a Physician and Surgeon)

11. Respondent has subjected his Physician's and Surgeon's Certificate No. G 6433 to disciplinary action under sections 2227 and 2234, as defined by section 2236, subdivision (a), of the Code, in that he has been convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

12. On or about October 4, 2018, after a jury trial, in the case entitled *The People of the State of California v. Benjamin Gould Cox*, Superior Court of California, County of Riverside, Case No. RIF 1701800, Respondent was convicted of seven (7) counts of violation of section 1871.4, subdivision (a) of the [California] Insurance Code, WORKERS' COMPENSATION INSURANCE FRAUD (counts 1 ~ 7),¹ and seven (7) counts of violation of [California] Penal

¹ California Insurance Code section 1871.4, subdivision (a), provides:

“(a) It is unlawful to do any of the following:

(1) Make or cause to be made a knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying any compensation, as defined in Section 3207 of the Labor Code.

(2) Present or cause to be presented a knowingly false or fraudulent written or oral material statement in support of, or in opposition to, a claim for compensation for the purpose of obtaining or denying any compensation, as defined in Section 3207 of the Labor Code.

(3) Knowingly assist, abet, conspire with, or solicit a person in an unlawful act under this section.

(4) Make or cause to be made a knowingly false or fraudulent statement with regard to entitlement to benefits with the intent to discourage an injured worker from claiming benefits or pursuing a claim.

For the purposes of this subdivision, “statement” includes, but is not limited to, a notice, proof of injury, bill for services, payment for services, hospital or doctor records, X-ray, test results, medical-legal expense as defined in Section 4620 of the Labor Code, other evidence of loss, injury, or expense, or payment.

(5) Make or cause to be made a knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying any of the benefits or reimbursement provided in the Return-to-Work Program established under Section 139.48 of the Labor Code.

(6) Make or cause to be made a knowingly false or fraudulent material statement or material representation for the purpose of discouraging an employer from claiming any of the benefits or reimbursement provided in the Return-to-Work Program established under Section 139.48 of the Labor Code.”

1 Code section 118, PERJURY (counts 8 ~ 14).²

2 13. On or about November 13, 2018, Respondent was sentenced in Case No. RIF
3 1701800 to five (5) years' formal probation with various terms and conditions, including, but not
4 limited to, various fines and fees, and \$45,449.62 in victim restitution.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dishonesty or Corruption)**

7 14. Respondent has further subjected his Physician's and Surgeon's Certificate No.
8 G 6433 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
9 subdivision (e), of the Code, in that he has committed an act or acts of dishonesty or corruption,
10 as more particularly alleged in paragraphs 11 through 13, above, which are hereby incorporated
11 by reference and realleged as if fully set forth herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(General Unprofessional Conduct)**

14 15. Respondent has further subjected his Physician's and Surgeon's Certificate No.
15 G 6433 to disciplinary action under sections 2227 and 2234, as defined by section 2234, of the
16 Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical
17 profession, or conduct which is unbecoming a member in good standing of the medical
18 profession, and which demonstrates an unfitness to practice medicine, as more particularly
19 alleged in paragraphs 11 through 14, above, which are hereby incorporated by reference and
20 realleged as if fully set forth herein.

21
22 ² California Penal Code section 118 provides:

23 "(a) Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly
24 before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of
25 California be administered, willfully and contrary to oath, states as true any material matter which he or she knows
26 to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases
27 in which testimony, declarations, depositions, or certification is permitted by law of the State of California under
28 penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of
perjury.

This subdivision is applicable whether the statement, or the testimony, declaration, deposition, or certification is
made or subscribed within or without the State of California.

(b) No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by
testimony of a single person other than the defendant. Proof of falsity may be established by direct or indirect
evidence."

1 **DISCIPLINARY CONSIDERATIONS**

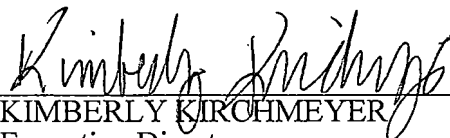
2 16. To determine the degree of discipline, if any, to be imposed on Respondent B.G. Cox,
3 Jr., M.D., Complainant alleges that in a prior disciplinary action entitled *In the Matter of the*
4 *Accusation Against Benjamin G. Cox, M.D.* before the Medical Board of California, in Case No.
5 09-2010-204544, on June 5, 2013, Respondent's license was placed in a five (5) year probation
6 for gross negligence, repeated negligent acts, failure to maintain adequate and accurate medical
7 records, and general unprofessional conduct. That decision is now final and is incorporated by
8 reference as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Medical Board of California issue a decision:

- 12 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 6433,
13 issued to B.G. Cox, Jr., M.D.;
- 14 2. Revoking, suspending or denying approval of B.G. Cox, Jr., M.D.'s authority to
15 supervise physician assistants and advanced practice nurses;
- 16 3. Ordering B.G. Cox, Jr., M.D., if placed on probation, to pay the Board the costs of
17 probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.
- 19

20 DATED: July 9, 2019

21 
22 KIMBERLY KIRCHMEYER
23 Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California
27 Complainant

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